

REMARKS

Claims 1-77 are pending in this application, with claims 1, 32 and 72-79 being independent. Claims 1, 17, 32, 72, 73 and 75 have been amended, and new claims 76-79 have been added. In particular, claims 1, 32, 72 and 73 have been amended for clarity to recite that the tax payment status of the employer is an unemployment insurance tax payment status. Claims 32, 73 and 75 have been amended to overcome the Examiner's 35 U.S.C. 101 rejection, and claim 17 has been amended to correct a typographical error. No new matter has been introduced.

The Examiner has objected to the drawings as not being legible. Applicants are submitting a set of formal drawings with this amendment. Accordingly, applicants request reconsideration and withdrawal of this objection.

The Examiner has objected to claim 17 as being grammatically incorrect. Claim 17 has been amended to correct a typographical error. Applicants submit that claim 17, as amended, is grammatically correct and, therefore, request reconsideration and withdrawal of this objection.

Independent claim 32 and its dependent claims 33-71, and independent claims 73 and 75 have been rejected as being directed to non-statutory subject matter. Applicants have amended claims 32, 73 and 75 to recite that the steps are performed electronically and that the recited methods involve use of at least one processor. Applicants submit that the claims, as amended, are directed to statutory subject matter.

Independent claims 1, 32, 72 and 73, and their dependent claims 2-4, 7-11, 17-19, 22-25, 28-31, 33, 34, 37-41, 46-49, 52-56, 58-68, 70 and 71, have been rejected as being unpatentable over Micciantuono (U.S. Patent Application Publication No. 2003/0225639) in view of MISTICS (Legislative Audit Division of Montana "Montana Integrated System to Improve Customer Service," published August, 2002). Independent claims 74 and 75 have been rejected as being unpatentable over Micciantuono. Dependent claims 5, 6, 12-15, 35, 36 and 42-45, which depend from claims 1 and 32, have been rejected as being unpatentable over Micciantuono in view of MISTICS and Neu (Neu et al., "Sending Your Government a Message.") Dependent claims 15 and 45, which depend from claims 1 and 32, have been

rejected as being unpatentable over Micciantuono in view of MISTICS, Neu, and Knight (Knight Ridder Tribune Business News, "South Carolina Tax Payments Go Online.") Dependent claims 20, 21, 50 and 51, which depend from claims 1 and 32, have been rejected as being unpatentable over Micciantuono in view of MISTICS and Callen (U.S. Patent No. 6,332,125). Dependent claims 20, 21, 50 and 51, which depend from claims 1 and 32, have been rejected as being unpatentable over Micciantuono in view of MISTICS and UCFE (National Finance Center "Unemployment Compensation For Federal Employees"). Dependent claims 27, 57 and 69, which depend from claims 1 and 32, have been rejected as being unpatentable over Micciantuono in view of MISTICS and Harrie (Dan Harrie, "Reporting Of New Hires Saves Millions For State.")

Independent claim 1, as amended, recites a system that includes a unified database containing unemployment insurance benefit data and unemployment insurance tax data. The unemployment insurance benefit data includes a benefit status of a claimant, and the unemployment insurance tax data includes an unemployment insurance tax payment status of an employer associated with the claimant. The system further includes a functional layer that is configured to evaluate a request for an unemployment insurance benefit by the claimant based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer. Claim 32, while having a different scope from claim 1, recites limitations similar to those recited in claim 1 but in the context of a method. Applicants request reconsideration and withdrawal of the rejections of claims 1 and 32, and their dependent claims, because neither Micciantuono, MISTICS, Neu, Knight, Callen, UCFE, Harrie, nor any proper combination of the seven describes or suggests these features.

Micciantuono describes a system that allows companies to provide an unemployment benefit plan that supplements the unemployment insurance compensation provided to employees by a State Agency. See paragraph 0001. The system includes a personal profile database for participants that includes the individual participant's tax withholding status. See paragraph 0034. The Examiner appears to equate this personal profile database with the recited unified database. The Examiner asserts that, because Micciantuono describes the personal profile

database as storing the tax withholding status of an individual, it would be obvious that the personal profile database of Micciantuono would also store the unemployment insurance tax payment status of the employer because “ ‘tax withholding status’ implies, suggests or makes obvious unemployment tax.” See page 4 of Office Action. Applicants respectfully disagree.

A tax withholding status corresponds to a tax paid by an individual employee to the government. Notably, employees do not pay an unemployment insurance tax to the government. Rather, only employers are obligated to pay an unemployment insurance tax to the government (both State and Federal). Accordingly, contrary to the Examiner's contention, disclosure of a database that stores tax information for employees, such as a tax withholding status, does not imply or suggest that the database also stores tax information for employers, such as data reflecting the employer's unemployment insurance tax payment status. Accordingly, Micciantuono does not describe or suggest that its system monitors, tracks, or stores in a database the status of an employer's unemployment insurance tax payments. Rather, Micciantuono merely calculates a supplemental unemployment insurance payment for employees based on a particular benefit plan, the individual's previous wages, and the amount of State unemployment compensation the individual has already received. In other words, Micciantuono's system is completely ignorant of whether an employer has or has not properly paid their unemployment insurance taxes and certainly does not store data reflecting the state of such payments.

MISTICS describes a system employed by the Department of Labor Industry Unemployment Insurance Division of the state of Montana to process claims submitted by citizens of the state of Montana requesting unemployment insurance benefits. The MISTICS system processes claims to determine whether a claimant is eligible to receive benefits and to determine the size of the benefit payments. The MISTICS system applies various tests in making its determination, including a test that factors in an individual's accumulated and withheld Federal Income Taxes. The Examiner asserts that, because the system factors in an individual's withheld Federal Income Taxes in determining whether the individual is eligible for unemployment insurance benefits, the MISTICS system discloses the recited functional layer that

is configured to evaluate a request for an unemployment insurance benefit based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer. Applicants respectfully disagree. As stated above, the withholding tax of an individual/employee corresponds to an entirely different tax than the unemployment insurance tax owed by an employer to the government. While the MISTICS system may store data indicating the amount of Federal Income Taxes that have been withheld for an individual claimant, nothing in MISTICS describes or suggests that the system also stores data indicating the unemployment insurance tax payment status of employers. Rather, like Micciantuono's system, the MISTICS system is completely ignorant of whether an employer has or has not properly paid their unemployment insurance taxes. Neu, Knight, Callen, UCFE and Harrie, which are relied upon by the Examiner for disclosing various dependent claim features, also fail to describe or suggest the above-noted features.

For at least these reasons, applicants request reconsideration and withdrawal of the rejections of claims 1 and 32, and their dependent claims.

Independent claim 72, as amended, recites a system that includes unemployment insurance benefit data that includes a benefit status of a claimant, unemployment insurance tax data that includes an unemployment insurance tax payment status of an employer associated with the claimant, and a unified desktop that is configured to process a function related to an unemployment insurance benefit for the claimant and a function related an unemployment insurance tax for the employer, based on the benefit status of the claimant and the unemployment insurance tax payment status of the employer. Claim 73, while having a different scope from claim 72, recites limitations similar to those recited in claim 72 but in the context of a method. For at least the reasons described above, applicants request reconsideration and withdrawal of the rejections of claims 72 and 73 because neither Micciantuono, MISTICS, Neu, Knight, Callen, UCFE, Harrie, nor any proper combination of the seven describes or suggests these features.

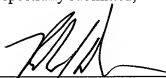
Independent claim 74, as amended, recites a system that includes a unified database containing unemployment insurance benefit data and unemployment insurance tax data and a functional layer that is configured to perform a function related to an unemployment insurance

benefit for a claimant and a function related an unemployment insurance tax for an employer, based on the unemployment insurance benefit data and the unemployment insurance tax data. Claim 75, while having a different scope from claim 74, recites limitations similar to those recited in claim 74 but in the context of a method. For at least the reasons described above, applicants request reconsideration and withdrawal of the rejections of claims 74 and 75 because neither Micciantuono, MISTICS, Neu, Knight, Callen, UCFE, Harrie, nor any proper combination of the seven describes or suggests these features.

Applicants submit that all claims are in condition for allowance.

The fees in the amount of \$208 in excess claims are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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